

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

|                           |   |                          |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, | ) |                          |
|                           | ) | NOS. CR-07-2060-LRS-1    |
| Respondent,               | ) | CV-08-3082-LRS           |
|                           | ) |                          |
| -vs-                      | ) |                          |
|                           | ) | ORDER DENYING MOTION FOR |
| SALVADOR URENA-MENDEZ,    | ) | RECONSIDERATION          |
|                           | ) |                          |
| Petitioner.               | ) |                          |

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Before the Court is Petitioner's Motion For Reconsideration For Good Cause and Excusable Neglect," Ct. Rec. 103, filed May 3, 2010. Petitioner did not note the instant motion pursuant to local rules. The Motion is submitted by Salvador Urena-Mendez, who is appearing *pro se* for the purposes of these proceedings.

**I. DISCUSSION**

Mr. Urena-Mendez urges this Court to reconsider its Order Denying 28 U.S.C. § 2255 Motion (Ct. Rec. 102) entered March 27, 2010. Motions for reconsideration serve a limited function. Under the Federal Rules of Civil Procedure, motions for reconsideration may be made pursuant to Rule 59(e). The major grounds for granting a motion to reconsider a judgment are: (1) intervening change of controlling law; (2) availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice. *School District No. 1J, Multnomah County Oregon v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9<sup>th</sup> Cir.1993); *Duarte v. Bardales*, 526

1 F.3d 563, 567 (9th Cir. 2008). Mr. Urena-Mendez does not contend that  
2 there is newly discovered evidence or that controlling law has changed.  
3 Instead Mr. Urena-Mendez continues to re-argue that his attorney Mr.  
4 Bevan Maxey deprived him of his constitutional right to effective  
5 assistance of counsel. A motion for reconsideration is not appropriately  
6 brought to present arguments already considered by the Court. Backlund  
7 v. Barnhart, 778 F.2d 1386, 1388 (9<sup>th</sup> Cir.1985). Additionally, under Rule  
8 59, motions for reconsideration must be brought 28 days after the entry  
9 of judgment. Petitioner brought said motion more than 28 days after entry  
10 of judgment. For all the foregoing reasons, the Court respectfully  
11 denies Petitioner's motion. Accordingly,

12 **IT IS ORDERED** that:

13 1. Mr. Urena-Mendez's Motion For Reconsideration For Good Cause and  
14 Excusable Neglect," **Ct. Rec. 103**, filed May 3, 2010, is **DENIED**.

15 2. The District Court Executive is directed to:

16 (a) Enter this Order;

17 (b) Provide a copy to Petitioner **AND TO** the United States  
18 Attorney, Spokane, Washington; and

19 (c) **CLOSE THESE FILES**.

20 **DATED** this 23rd day of July, 2010.

21  
22 **s/Lonny R. Suko**

23 \_\_\_\_\_  
24 LONNY R. SUKO  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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